

January 23, 2002

**Memorandum of Agreement**  
**Among the Federal Highway Administration, the New Jersey Department of**  
**Transportation and the New Jersey Historic Preservation Office**  
**Regarding the Reconstruction of Route 52, Section 1;**  
**City of Somers Point, Atlantic County and Ocean City, Cape May County**  
**New Jersey**

**WHEREAS**, the New Jersey Department of Transportation (NJDOT) proposes to replace the Route 52 Causeway that carries the highway over the Ship Channel and Rainbow Channel and connects Somers Point in Atlantic County with Ocean City in Cape May County, New Jersey with a higher level structure, using funds provided by the Federal Highway Administration (FHWA); and

**WHEREAS**, the said reconstruction will be on a different alignment and will require acquisition of additional Right of Way for bridge construction, slope and drainage easements; and

**WHEREAS**, FHWA has consulted with the New Jersey State Historic Preservation Officer (SHPO) and local governments pursuant to 36 CFR Part 800 regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) in order to determine the Area of Potential Effects (APE), and to identify and assess the effects of the project on historic properties either listed on or eligible for inclusion on the National Register of Historic Places (Register); and

**WHEREAS**, FHWA has determined that the Route 52, Section 1 Reconstruction Project will have an adverse effect through demolition on the Route 52 Bridge over the Ship Channel (Structure #0511-153), which is a property eligible for listing on the Register; and

**WHEREAS**, FHWA has determined that the Rt. 52, Section 1 Reconstruction Project will have an adverse effect on the Bayfront Historic District, which is a district listed on the Register, by introducing new elements into the district viewshed; and

**WHEREAS**, FHWA has determined that the Rt. 52, Section 1 Reconstruction Project will have an adverse effect on the Dockside Café/Marina, which is a property eligible for listing on the Register, by introducing new elements into the property's viewshed; and

**WHEREAS**, FHWA and NJDOT have unsuccessfully marketed the Route 52 Bridge over the Ship Channel, and have also found that the bridge is of insufficient condition to re-use at another NJDOT location; and



a duplicate version of the display placed at the city's visitors center.

3. NJDOT will develop a package of original resource materials used to produce the cultural resource survey reports and the HAER documentation, such as historic maps, digitize them, produce them in a CD format, and make copies available to local historic societies and school libraries.
4. Because a recipient for the Rt. 52 Bridge over the Ship Channel has not been identified, NJDOT and FHWA will continue to review any offers received up to the time when specifications for the demolition contract must be finalized. If an offer is received an agreement will be established among the donee, FHWA, and NJDOT that the integrity of the bridge will be maintained at the new location and the features that make the bridge historic will be maintained.
5. In consultation with the NJSHPO, the city of Somers Point, and Ocean City, NJDOT will work with the bridge design consultant to establish a list of guiding principles to apply to the overall bridge design. This list will reflect a consideration of the project area's setting and history, and have as its objective a development of the bridge's context. NJDOT, with the services of a consultant, shall develop a design review process that will be comprised of at least the following:
  - A. Background Research – Research will focus on the accumulation of information about the history of the Great Egg Harbor Bay, including the design of the historic structure and why it was chosen, as well as any structures that previously crossed the bay in the project area. This research will also focus on the natural and man-made setting of the bay. Resources to be used in this effort will include, but not be limited to; the HAER documentation compiled as a result of Stipulation 1, historic photographs and as-built plans of comparable bridges over nearby coastal waterways, and historic engineering literature (for example Engineering News-Record, Civil Engineering [American Society of Civil Engineers], etc.).
  - B. Evaluation and Explanation of Appropriate Design – As the result of the background research described above, an explanation of the setting for the new bridge will be presented at a design meeting.
  - C. Engineering Analysis and Design Recommendations – The consultant's design analysis will begin with an inventory and brief discussion of how chosen design parameters relate to the setting as developed in section A, above. This will include the relationships between roadway design, marine operations, the natural and man-made environment, and environmental protection requirements. The consultant will briefly discuss a range of structural designs, technologies, and materials which could be employed to provide for a structure that is compatible with the previously developed setting. A design scheme or concept (verbal description and justification with conceptual sketches) will be developed for the new causeway that conveys such compatibility. Consideration will be given to the

overall mass and form of the structure; as well as (to a lesser extent) the choice of sub- and superstructure materials (including their configuration, tint, texture and/or color); type of parapet, railing, and lighting; and landscaping.

- D. NJDOT will submit the initial causeway design developed through the above-stated process to the FHWA, SHPO and the cities of Somers Point and Ocean City for final comment prior to proceeding to Final Design.

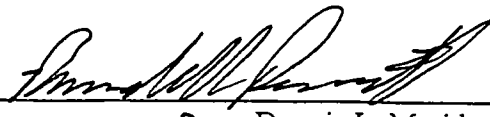
#### **Administrative Conditions**

1. NJDOT, on behalf of FHWA, will ensure that all work encompassed by Stipulation 1 is carried out in accordance with the *Secretary of Interior's Standards and Guidelines for Architectural and Engineering Documentation* (48FR 44730 - 44734) and by or under the direct supervision of a person or persons meeting at a minimum the *Secretary of the Interior's Professional Qualifications and Standards* (48 FR 44738-9).
2. NJDOT, on behalf of FHWA, will ensure that all work encompassed by Stipulations 2 and 5 will be carried out in accordance with the terms of this agreement, and will submit photographic documentation of the completed products to FHWA and the NJSHPO. Such documentation will be sufficient to clearly illustrate the conformance to mutually agreed upon design features and details of the new bridge design, as well as the details of the proposed interpretive center display.
3. **Dispute Resolutions**
  - A. At any time during the implementation of the measures stipulated in this MOA, should an objection to any such measure or its manner of implementation be raised, FHWA will notify all signatories to the agreement, take the objection into account, and consult as needed to resolve the objection.
  - B. Disputes regarding the completion of the terms of this agreement as necessary shall be resolved by the signatories. If the signatories cannot agree regarding a dispute, the FHWA shall then initiate appropriate actions in accordance with the provisions of 36 CFR §800.6(b) and §800.7 as appropriate.
  - C. Modification, amendment or termination of this agreement as necessary shall be accomplished by the signatories in the same manner as the original agreement.
4. Should construction of the above mentioned project not commence within 5 years of the date of FHWA's acceptance of this MOA, this agreement becomes null and void. If FHWA decides to continue with the undertaking, it shall re-initiate its review process in accordance with 36 CFR Part 800.

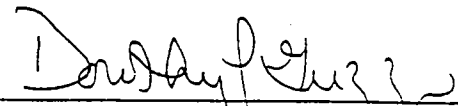
Execution of this Memorandum of Agreement by the FHWA, the NJSHPO, and NJDOT, and the implementation of its terms, evidence that the FHWA has afforded the Council an opportunity to

comment on the Route 52, Section 1, Reconstruction project and its effects on historic properties, and that the FHWA has taken into account the effects of the undertaking on historic properties.

FEDERAL HIGHWAY ADMINISTRATION


By:  Date: 1/28/02  
for Dennis L. Merida  
Division Administrator, New Jersey Division Office

NEW JERSEY STATE HISTORIC PRESERVATION OFFICE

By:  Date: 1/24/02  
Dorothy P. Guzzo  
Deputy State Historic Preservation Officer

**Concur:**

NEW JERSEY DEPARTMENT OF TRANSPORTATION

By:  Date: 1/23/02  
Arthur Silber  
Director, Division of Project Management

**WHEREAS**, the FHWA, the NJDOT, and the SHPO have developed a plan to mitigate the adverse effects of the proposed construction project; and

**WHEREAS**, the Advisory Council on Historic Preservation (Council) has been notified of the Adverse Effect finding, and has declined to participate in the Section 106 consultation process; and

**WHEREAS**, the NJDOT participated in the consultation and has been invited to concur in this Memorandum of Agreement;

**NOW, THEREFORE** the FHWA, the New Jersey SHPO, and NJDOT agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effects of the proposed undertaking on historic properties.

### **Stipulations**

The Federal Highway Administration will ensure that the following measures are carried out:

1. Prior to demolition of any elements of the Route 52 Bridge over the Ship Channel, the NJDOT, using the services of a qualified consultant, will document the bridge to Historic American Engineering Record (HAER) Standards, Level II as defined in *Archaeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines* (48 FR 44715-44742), and as specifically detailed in *Guide to Written Reports for the Historic American Engineering Record*, pp. 10 - 11, or as otherwise directed by the National Park Service. The FHWA shall ensure that all documentation is completed prior to the obscuring or demolition of any elements of the structure, and that copies of this documentation are subsequently made available to the National Parks Service - Mid-Atlantic Region, the New Jersey SHPO, and other local archives as appropriate. All copies shall, with the exception of any original HAER drawings made for the project which may be blue-line copies, be archivally stable.
2. NJDOT will ensure that an interpretive display will be produced as a supplement to the HAER recordation. This display will be in the nature of a large signboard consisting of approximately 16 square feet in area, and will concentrate on the existing bridge and its contribution to the development of Ocean City and the Jersey Shore during the automobile age. NJDOT and its design consultant will consult with the NJSHPO to attempt to reach a consensus on a conceptual design and layout for the display. Once a concept is developed, it will be conveyed to representatives of the cities of Somers Point and Ocean City for comment. The NJDOT and its consultant will then develop the final plan for the display, which will be submitted to the NJSHPO and the municipalities for final comment. It will be placed at the acquired Gulf Gasoline Station, located in Somers Point, adjacent to one of the historic resources. NJDOT will coordinate with the city of Ocean City in an attempt to have